

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
SE/S Ruxton Court, 230' W of the
c/l of L'Hirondelle Road • DEPUTY ZONING COMMISSIONER
(1600 Ruxton Court) • OF BALTIMORE COUNTY
9th Election District • Case No. 91-36-A
4th Councilmanic District •
Todd M. Hebb
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of August, 1990 that the Petition for Residential Variance to permit a fence height of 72 inches in lieu of the maximum permitted 42 inches to be located in a front yard which adjoins the front yard of a neighboring lot on which a house is built, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The variance granted herein is limited to a 72-inch high fence to be placed inside the plantings depicted in the photographs submitted and identified as Petitioner's Exhibits 2A through 2F.

A. M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

UNDER REVIEW FOR FILING
Date _____
By Todd M. Hebb

- 2 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 27, 1990



Dennis F. Rasmussen
County Executive

Mr. Todd M. Hebb
1600 Ruxton Court
Baltimore, Maryland 21204

RE: PETITION FOR RESIDENTIAL VARIANCE
SE/S Ruxton Court, 230' W of the c/l of L'Hirondelle Road
(1600 Ruxton Court)
9th Election District - 4th Councilmanic District
Todd M. Hebb - Petitioner
Case No. 91-36-A

Dear Mr. Hebb:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

A. M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

91-36-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 427

To allow a fence height of 72 in. in lieu of 42 in. in a front yard which adjoins the front yard of a neighboring lot on which a house is built.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):

To build a 6' high wooden fence on property adjacent to neighbors front door. Front door being on side of house w reference to street. Property to be adjacent to street with common wall.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Address

Address

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 12 day of June, 1990, that the subject matter of this petition be posted on the property on or before the 15 day of Aug, 1990.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE NECESSARY, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 25, 1990



Dennis F. Rasmussen
County Executive

Mr. Todd M. Hebb
1600 Ruxton Court
Baltimore, Maryland 21204

Re: CASE NUMBER: 91-36-A

TEXT NUMBER: 11

LOCATION: 1600 Ruxton Court

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a retransmission regarding the administrative process.

1) Your property will be posted on or before August 8, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 23, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reopening of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) posting of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

J. Robert Haines
J. R. Haines
(301) 887-3391

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-36-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at _____

1600 Ruxton Ct., Baltimore, Md. 21204

(Address)

That based upon personal knowledge, the following are the facts upon which I/we have the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

To build a 6' high wooden fence on property line

adjacent to neighbors side entrance door.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Todd M. Hebb
AFFIANT (Handwritten Signature)

AFFIANT (Handwritten Signature)

Todd McConkey Hebb

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of July, 1990, before me, a

Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

Todd M. Hebb

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE 7/9/90

NOTARY PUBLIC

My Commission Expires: 7/1/92

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2931
2945

Date

#1

Todd Hebb
Res. Var. (Admin.)
APPLIC. 335
FILING 25
\$60

04A040081M1CHRC
BA C010:10A007-13-90

\$60.00

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-36-A

District 9th Date of Posting July 25, 1990

Posted for: Residential Variance

Petitioner: Todd M. Hebb

Location of property: 230' W of Ruxton Court, E. of L'Hirondelle Road

1600 Ruxton Court

Location of Sign: In front of 1600 Ruxton Court

Remarks:

Posted by: S. J. Grate Date of return: August 3, 1990

Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

No 2945
2931

Date 7/13/90

H9100011

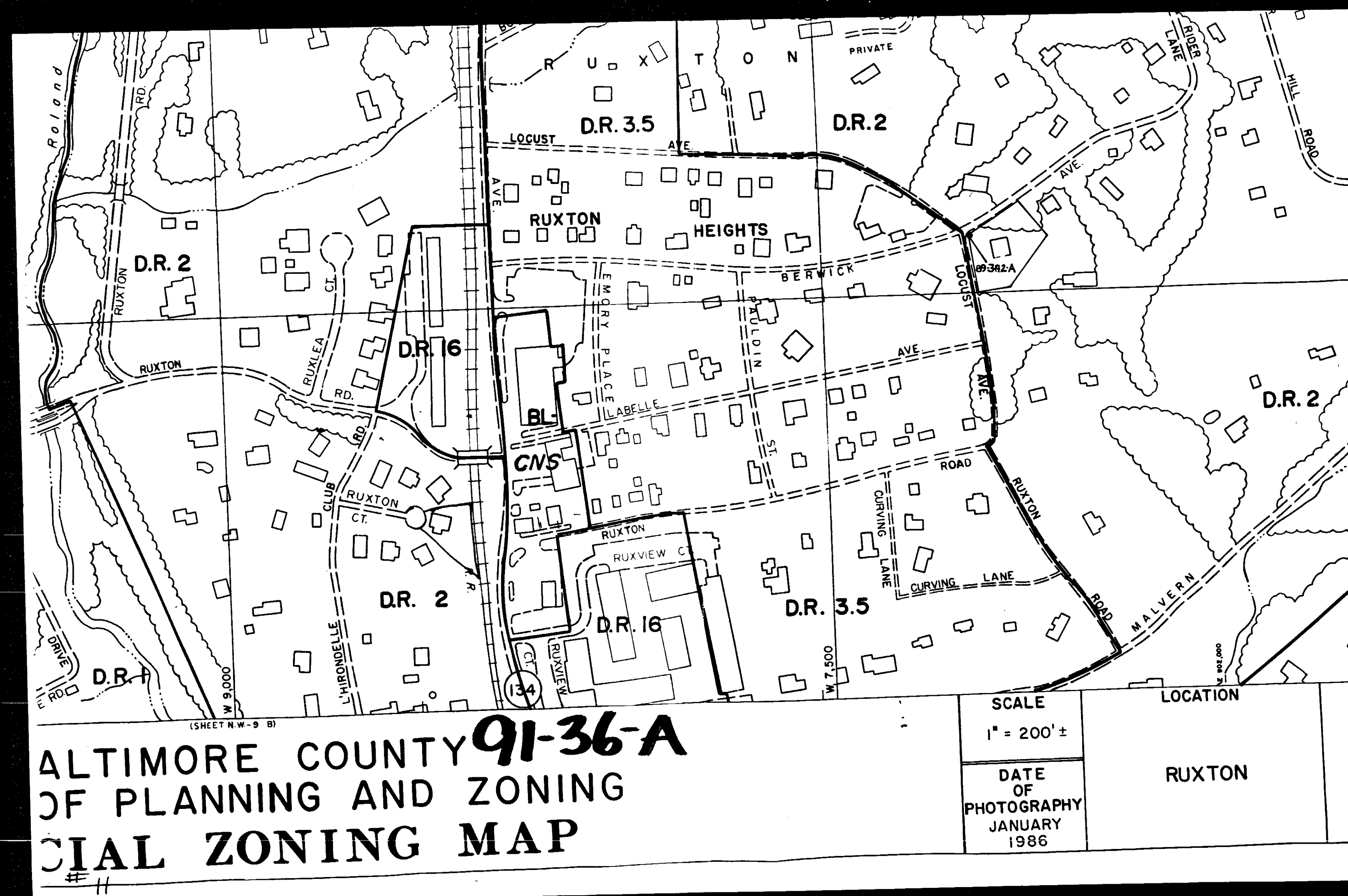
PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

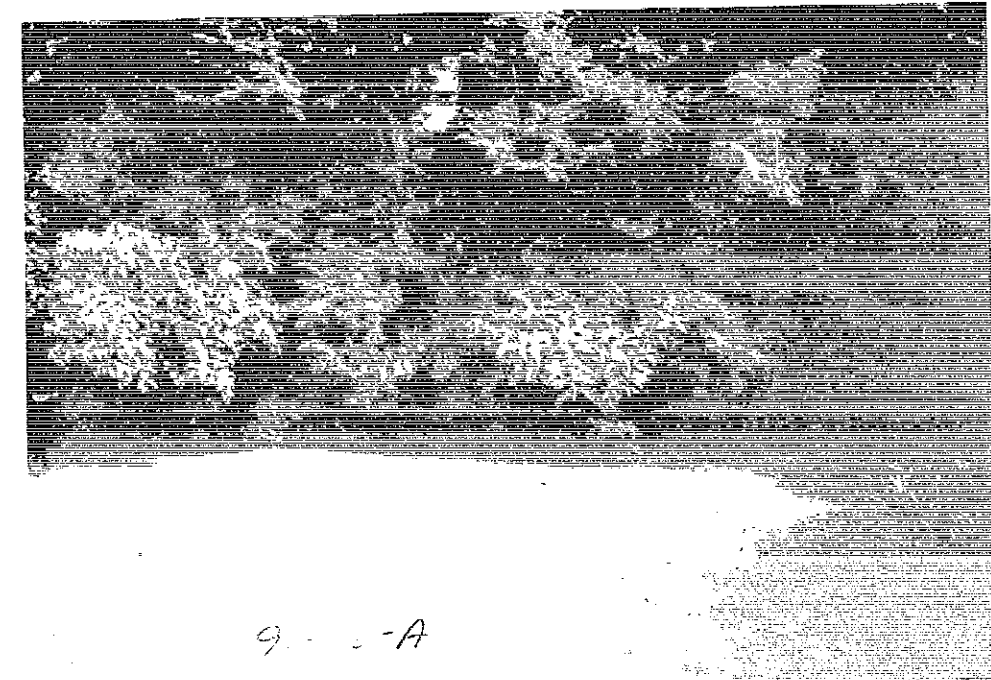
LAST NAME OF OWNER: HEBB

Paid Per Hand-Written Receipt
#2931 DATED 7/13/90

Please make checks payable to: Baltimore County

Cashier Validation:





Petitioner's
Application 2A SF

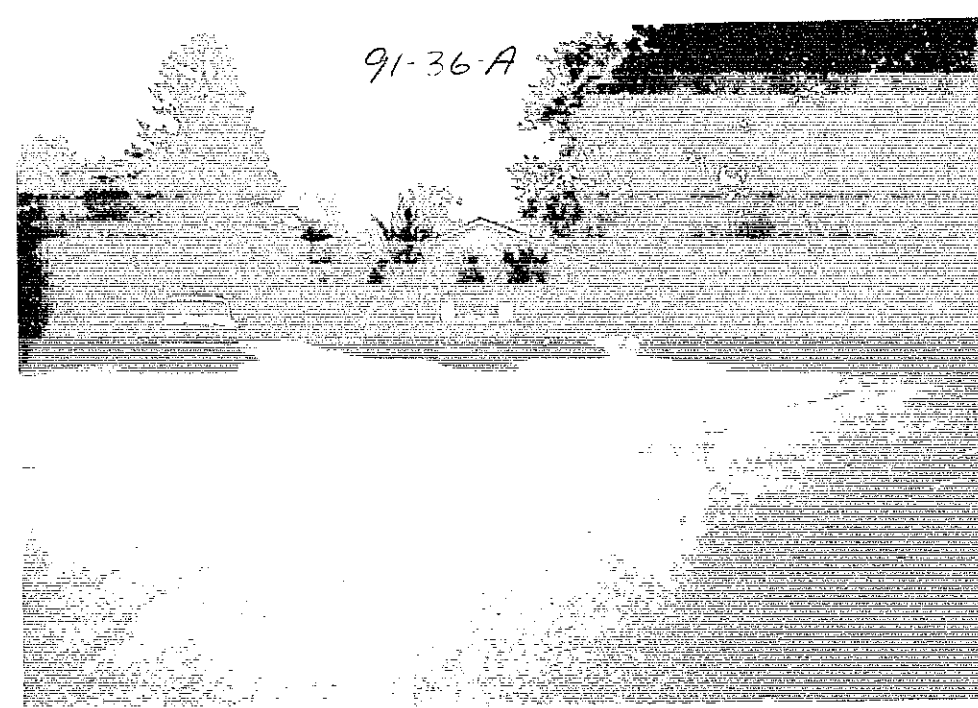
91-36-A

Inside Applicant's Yard. Fence will run in front of all these plantings (see orange line).

Applicant's House from Neighbor's Yard. Proposed fence will be behind all plantings shown here (see orange line).

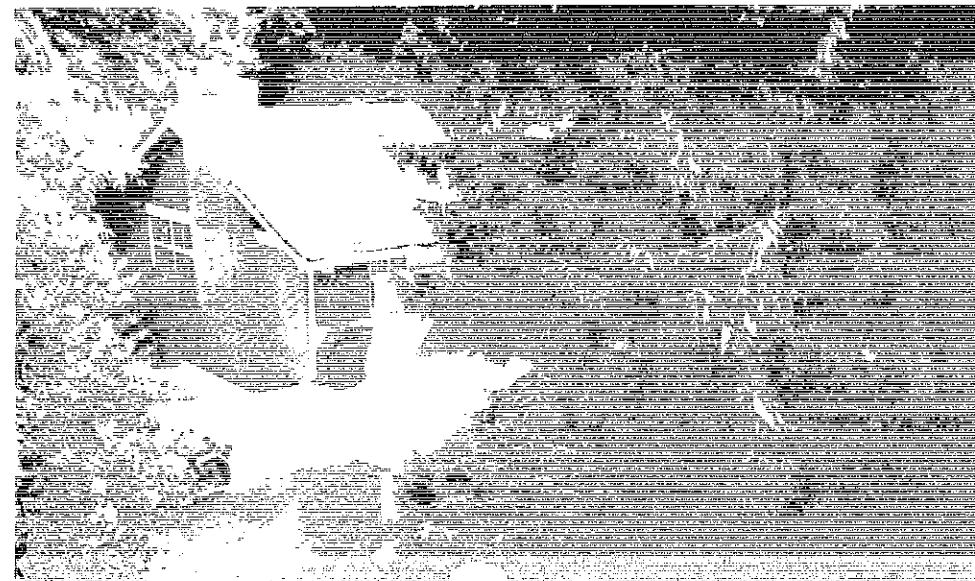


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1600 Ruxton Court, Balto., MD 21234. Looking East. (See orange line). Fence on left side.

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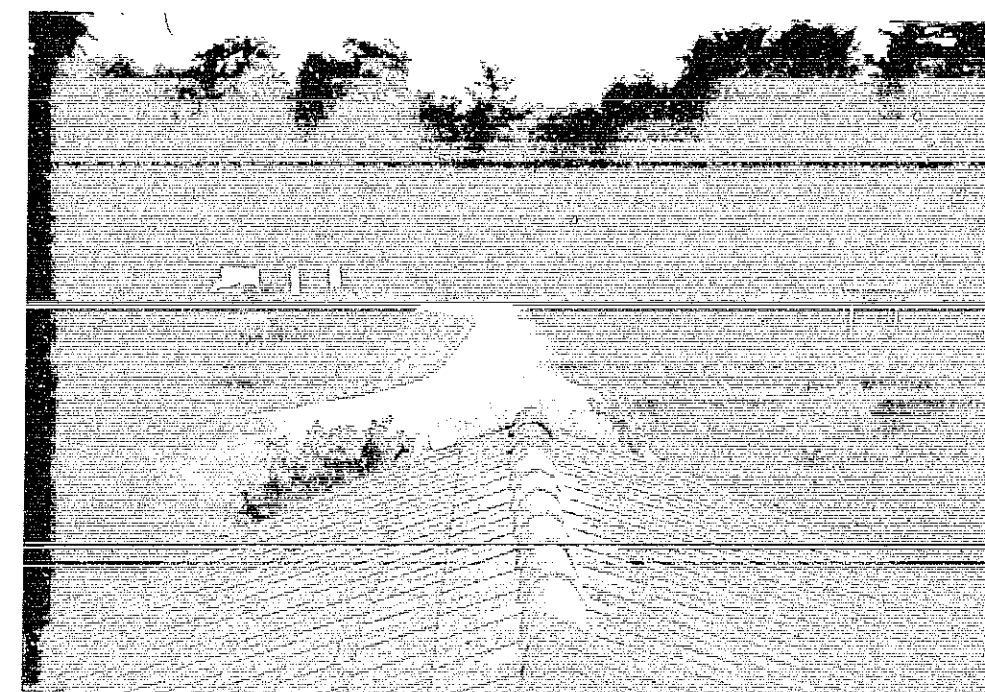
91-36-A

1600 Ruxton Court - Looking North. View from applicant's roof. Fence will run in front of trees (see orange line).

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1600 Ruxton Court - Looking West to L'Ansonie Club Road.

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Side yard around which fence will go (see orange line).

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RE COUNTY
ANNING AND ZONING
GRAPHIC MAP

91-36-A

SCALE

1" = 200'

LOCATION

RUXTON

SHEET

NW

10-B

DATE
OF
PHOTOGRAPHY
JULY 1981
HRE